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DEPARTMENT OF JUSTICE
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May 29, 2024
OPINION 24-0063

The Honorable Donald R. Johnson
Chief Judge
Nineteenth Judicial District Court
300 North Blvd., Suite 8401
Baton Rouge, LA 70801

90-A-1-(a) PUBLIC FUNDS & CONTRACTS- Constitution

La. Const. art. III, § 16 La. R.S. 13:992

La. 13:62

Discusses constitutionality of short term, supplemental payments to employees of the Nineteenth Judicial District.

Dear Judge Johnson:

You have requested an opinion from our office regarding whether Nineteenth Judicial District Court (“the Court”) employees may receive a salary supplement derived from a one-time appropriation to the Court contained within Act 397 of the 2023 Regular Legislative Session. The Court wants to distribute a portion of the one-time funds in the form of a temporary pay increase to employees of the Court. Your request has been assigned to me for research and reply.

Your request indicates that an appropriation contained in Act 397 of the 2023 Regular Legislative Session is the source of the funds for the proposed payments. The legislature’s power to appropriate under La. Const. Art. III, § 16 includes the power to decide how the appropriated funds will be spent. *State Pub. Facilities Auth. v. Foster*, 2001-0009 (La. 9/18/01), 795 So. 2d 288, 301, quoting *Henry v. Edwards*, 346 So. 2d 153, 157 (La. 1977).

Act 397 of the 2023 Regular Session appropriated \$1,000,000 payable out of the State General fund to the Nineteenth Judicial District Court for court costs. Thus, the legislature directed the Court to spend \$1,000,000 for the specific purpose of paying court costs. A determination must be made as to whether employee compensation is considered court costs.

“Court cost and fee” is defined in La. R.S. 13:62 as a cost or fee paid as part of the imposition or execution of a criminal sentence, in connection with the filing or processing of any civil or criminal matter, or the filing or processing of any pleading in any civil or criminal matter. The Louisiana Supreme Court considers court costs for the purposes of evaluating requests for new court costs and fees as a cost that is used to defray the operational costs of the courts and the court-related operational costs of law enforcement, clerks of court, district attorneys, the indigent defense system, state and local probation

and parole functions, and other court-related functions.¹ Additionally, our office has found operational expenses of the court to include the payment of premiums for a judicial liability insurance policy, attending judicial conferences, supplies, approved computer equipment, a monthly salary to a court reporter for services in criminal cases, folders, letterhead, witness fees for off-duty police officers, uniforms for city court employees, law books, dues for bar memberships, postage, petty cash, salaries for judges ad hoc, and payment for interpreters for court proceedings.²

The Nineteenth Judicial District Court is expressly authorized to expend funds for the salaries of secretarial, clerical, research, administrative, or other personnel as they deem necessary to expedite the business and function of the court. La. R.S. 13:992. Clearly, employee compensation is directly related to the cost to operate the court. Therefore, it would be permissible for the Nineteenth Judicial District Court to supplement the salaries of its employees.

Based on the foregoing, it is the opinion of this office that the proposed expenditure to supplement the salary of the Nineteenth Judicial District Court employees with a one-time operational expenditure may be considered court costs for the purposes of Act 397 of the 2023 Regular Legislative Session.

We hope that this opinion has adequately addressed the legal issues you have raised. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,
LIZ MURRILL
ATTORNEY GENERAL

BY: *Brett Robinson*
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LM/BAR

¹ See Supreme Court of Louisiana Report of the Judicial Council to the Louisiana Legislature regarding Requests for Costs and Fees, March 1, 2021 and April 18, 2017.

² La. Att'y. Gen. Op. Nos. 21-0061, 83-393, La. Att'y. Gen. Op. No. 78-422, La. Att'y. Gen. Op. No. 93-129, La. Att'y. Gen. Op. No. 80-225, La. Att'y. Gen. Op. Nos. 83-183 and 81-68, La. Att'y. Gen. Op. No. 83-772, La. Att'y. Gen. Op. No. 80-1394A, and La. Att'y. Gen. Op. No. 95-191.